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# BUILDING LEGITIMACY, PROMOTING POLICY AND DEVELOPING NETWORKS

Using Human Rights and International  
Humanitarian Law to effectively train, monitor  
and evaluate proxy forces.

BY MAJOR JUSTIN L. FRAZIER

Tales of powerful nations aiding or supporting armed non-state actors, or ANSAs, to further disaffected or revolutionary causes and, more importantly, to support those nations' national security interests remain prolific in discussions of foreign policy and unconventional warfare.<sup>01</sup> These discussions may lie in the legend and secrecy of Cold War expansion throughout Europe and Asia or play out more recently in the global media within the Middle East, Africa or back into former Soviet republics. Supporting these irregular forces; with weapons, training, cash or other needed capabilities; remains a viable foreign policy option for nations that do not wish to cross a threshold to more traditional military operations but choose, or prefer to operate in a Gray Zone when supporting resistance movements. Not unlike the "peacetime" political warfare of the Cold War, proposed by George Kennan, many of today's operations supporting opposition groups enjoy — or loathe — domestic and international press and scrutiny.<sup>02</sup> The methods in which training and support reach groups vary as greatly as the nations and organizations that provide it or the opposition forces that receive it. For the United States, protection of fundamental human rights remains an intricate facet of this kind of foreign policy; not only because it encompasses the moral approach, but also because it is written in national security strategy and international law.<sup>03</sup> Training and encouraging these humanitarian norms ultimately supports the domestic and international legitimization of these opposition movements. Conducting this training, monitoring and evaluating in situations that prohibit trainers or advisors from accompanying the supported forces into a denied area becomes increasingly difficult. These operations then become ones based on the use of proxies. In these situations, a requirement exists for a formal process of training, monitoring and evaluating the ANSAs to include their adherence to human rights norms. This article presents a framework for the integration of human rights into the training, monitoring and evaluating of operations designed to provide support to opposition forces, particularly in situations in which U.S. advisors or trainers may not accompany the supported forces. The framework sets the foundation for moving beyond training and equipping ANSAs and takes the force from a better-dressed and straighter-shooting one to a more professional, effective, legitimate and an accountable force that may one day support a new government's rule of law. Additionally this framework supports resistance movements by providing additional understanding and synchronization of friendly overt and clandestine networks; conducting or supporting political subversion; providing support to disarm, demobilization and reintegration activities; increasing interagency participation in assisting resistance and political opposition groups and leadership; and most importantly, supporting the coordinated application of all U.S. instruments of national power to enable a resistance movement.

The U.S. often considers the U.S. Special Operations Command, through its subordinate commands, as the primary actor for human rights and international

humanitarian law training when the U.S. chooses to provide operational support to opposition groups or legitimate foreign militaries.<sup>04</sup> This is due to the inherent connection the foreign forces may have with U.S. Special Operations Forces trainers and operational support mechanisms throughout the spectrum of special warfare. USSOCOM provides the primary forces for foreign training events, to include train and equip programs of foreign forces. SOF develop lasting relationships with the special operations forces, conventional forces, civilian entities and non-governmental organizations indigenous to their assigned regions, as well as maintaining regional expertise in locations where the U.S. has no diplomatic or conventional military presence.<sup>05</sup> This article also provides additional context and discussion points for alleviating the many concerns voiced by prominent members of the domestic and international HR and HL communities on the training of these foreign forces.<sup>06</sup> Proposed below are several areas in which SOF should focus the training of HR/IHL.

Lending credibility and relevance to the Laws of War will make training and compliance in HR, IHL and other norms meaningful to opposition forces. Many ANSAs, with aspirations of independence or autonomy, already understand the importance of adhering to international humanitarian norms. They actively seek the domestic and international legitimacy that accompany this adherence.<sup>07</sup> Acknowledging that there is just as much nobility and honor in showing restraint and compassion to the enemy or to civilians as there is in fighting and possibly dying for a cause lends to this credibility. Furthermore, the sponsor's accountability, transparency and trust will lend additional credibility and relevance not only to the Laws of War, but also to the individual trainers or advisors responsible for its training and compliance.

The most important aspect of training and mentoring ANSA should center on the identification, development and support of leaders within the ranks. Opposition fighters are more likely to abide by their training and international standards when they see those whom they respect adhering to humanitarian norms. Trainers should work with the leadership separately to reinforce the principles of command responsibility, oversight and accountability. Training methodologies should test the ability of the leadership to prevent abuse and to hold abusers accountable. Scenario based training that is environmentally and culturally similar to the conflict and replicates the complex ethical situations leaders are likely to face brings additional value beyond classroom lecture. Programs should test trainees on their ability to use their training when they encounter or observe misconduct, even amongst their leaders. This represents the beginning of a professional military ethos; starting with training for the respect of the rule of law and human rights.

Training should focus on the types of violence and tensions most likely encountered during operations, the kinds of weapons most likely used and specifically address the human rights abuses alleged to have been committed and most likely recommitted by opposition forces. Additionally, presenting and applying the train-

ing in a context culturally and traditionally familiar to the ANSAs will further the receptivity and credibility of the training. When feasible, during the course of training, SOF should integrate *local* members of civil society, *local* human rights advocates or NGOs and former fighters into the instruction. The advantages of this integration are: 1) it provides the program with a local and possibly familiar or credible face for the training; 2) it reinforces the legitimacy of the opposition from a local viewpoint; and 3) it begins to make or enhance civilian-military connections locally and perhaps regionally or internationally. Candid and neutral discussions with opposition leadership and fighters, rather than classroom lecture, should occur focusing on the various pressures and situations the opposition force may encounter.

ANSAs must understand the practical reasoning to abide by IHL. The opposition will more likely abide by the training when they understand the strategic benefit of doing so. Strategic leaders and trainers should work with the opposition leadership to develop and reach consensus on public messages that reinforce the importance of abiding by rules or deeds of commitment to protect civilians.<sup>08</sup> Not only as an ethical matter, these messages benefit of the cause, bolster legitimacy and may ensure continued material support by international partners.

Having the leadership disseminate this narrative early and often to all trainees will reinforce its importance. Rape and sexual violence are under-reported and extremely sensitive issues in most cultures and their occurrence usually pre-dates the conflict. Areas in which gender inequality existed prior to hostilities are no more likely to experience sexual violence than areas with roughly equal gender rights.<sup>09</sup> Additionally, ANSA units with female fighters are no less likely to experience sexual violence than all male units; with females participating in or often instigating the violence.<sup>10</sup> Because of highly publicized religious and cultural principles, great caution and deliberate wording will be required to discuss this topic with ANSAs. Introducing such a topic can easily destroy any trust or rapport a trainer has created but not doing so brings significant risk to the legitimacy of the program. Mentoring and advising should include specific emphasis on preventing, reporting, and accounting for sexual violence committed not only by the ANSAs, but also by anyone.

The presence of "children" in fighting formations or support roles adds additional human rights challenges that trainers or advisors must address on a culturally and traditionally sensitive basis, as well as a legal basis. The Convention on the Rights of the Child generally defines a child as any person under the age of 18. However, Article 38 uses the lower age of 15 as the minimum for recruitment or participation in armed conflict.<sup>11</sup> Many ANSAs view the inclusion of younger children in service or support roles to be ideal as it offers family and unit cohesion and additional protection for children. In some cases, if the children are not under the protection and supervision of an armed force they run the real risk of recruitment, kidnapping or killing by extremist elements.

While autocratic regimes remain the greatest abusers of human rights, ANSAs also commit human rights

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Workers unload a large weapons cache near Kabul, Afghanistan as part of a disarmament, demobilization and reintegration program to encourage warlords and other militia members to lay down their weapons and reintegrate into society.

U.S. ARMY PHOTO  
BY SGT. 1ST CLASS  
DARREN D. HEUSEL



abuses.<sup>12</sup> Opposition groups have carried out abuses including, but not limited to: murder, torture, arbitrary arrest, attacks on civilian areas and objects, the use and recruitment of child soldiers, the use of forced relocation along sectarian lines, denial of humanitarian assistance, denial of free association and NGO operations, rape and other sexual violence.<sup>13</sup> International human rights documentation groups, such as Amnesty International, provide a primary source for locating and documenting violations. However, these large international groups rely in part on the documentation efforts of local organizations and media. These local groups less frequently report opposition abuses, in part, because documentation groups have to cooperate with these groups in order to operate, they may sympathize with the opposition, they view autocratic regime abuses as greater or they do not have access to contested areas and the frontlines where abuses may be taking place.<sup>14</sup> Very few opposition-aligned human rights groups publicly report on opposition abuses and international organizations encounter difficulty negotiating for access to opposition facilities, which effectively makes third-party monitoring challenging.

In proxy situations, SOF require a formal process for monitoring and evaluating (assessing) the ANSA's operations, to include adherence to human rights norms. Currently, the primary system of monitoring and evaluating ANSAs consists of direct communication with the forces and a reliance on information collected from all intelligent sources. Such collection methods may present ANSAs in an overly positive or negative light. The framework below discusses the requirement for SOF to develop a tailored monitoring and evaluation system for ANSAs; specifically designed to mitigate the challenges of providing cross-border support, monitoring of behavior and the evaluation of ANSAs in denied areas.<sup>15</sup> SOF needs to monitor how civilians perceive opposition forces inside contested regions and the legal obligation to ensure compliance of the force to IHL, and other human rights norms all within an appropriate cultural and religious context.<sup>16</sup> This includes monitoring how the force allows for humanitarian access to populations affected by the conflict, maintains legitimacy through appropriate interactions with civilian counterparts, and fulfills U.S. expectations for the use of logistics and financial support provided for the conduct of operations. The system fits within the current in-depth assessments SOF uses to allocate the proper balance of operations, activities, and tasks as part of a measured military action to complement, support, and leverage nonmilitary activities as part of the operational framework.<sup>17</sup> Working in coordination with existing information and intelligence activities, this system will augment the information required to produce assessments for military commanders and policy makers. These intelligence requirements and the SOF assessments conducted to fulfill them, answer questions central to the conduct of supporting and directing a resistance movement or other population-centric operations.<sup>18</sup> This system must rely on redundant, multi-tiered checks that provide monitoring and evaluation services at the tactical, operational and strategic levels.

**Tactical-level Monitoring & Evaluating:** The primary purpose of tactical-level M&E measures the effects and objectives of individual opposition trained units. The limited access to locations inside denied areas poses considerable challenges to effective activity monitoring. SOF should simultaneously pursue three lines of monitoring for opposition operations inside a denied area. Each line may utilize geo-tagged photographs and videos, interviews with key leaders, site visits and surveys, focus groups, social media monitoring and information provided by civil-society partners. Tactical-level M&E develops effective monitoring methods by communicating with the opposition force, mapping civil society organizations with access to the denied areas and facilitating direct or indirect communication with organizations and individuals that can provide feedback on the perception of the ANSA force by the local population. The three lines of monitoring include ANSA reporting, third-party monitors and proxy/ad hoc local monitors.

**ANSA Reporting:** This line of monitoring does not differ greatly from the current SOF reporting and assessment methodology of partnered units. SOF should require the submission of reports, photographs and/or videos of ANSA operations. Opposition operations should require the submission of plans and/or orders, signed receipts of donation for in-kind materials, receipts for cash reimbursement, copies or samples of media materials produced, and links to press coverage.

**Third-Party Monitors:** SOF should make the most of third-party monitoring abilities, based at various locations inside the denied area where the ANSAs operate. Third-party monitors provide the program with meaningful oversight of opposition operations and useful information about results. They could provide weekly political and security updates that are used to inform SOF, members of the interagency and other interested parties of opposition actions in a given geographic area. Private companies and nonprofit organizations offer training, monitoring and evaluations services, maintain subject-matter experts and experience in providing IHL and civilian protection-related training to governmental and non-governmental forces.<sup>19</sup> Many of these organizations already provide related training and conceptualized programs on training, monitoring and evaluation. Additionally, these organizations may have — or could easily develop — additional monitoring or reporting infrastructure within an operational area.

**Proxy/Ad Hoc Local Monitors:** SOF should engage with local civil-society organizations to serve as proxy monitors for ANSAs inside denied areas. This may be done directly or through the many organizations that will already report to other agencies within the international community and the U.S. government. Local media can also provide monitoring through its network of reporters in the opposition's operational areas. This network can verify output data provided to SOF by the ANSA forces, observe deliveries of salary payments or logistics, measure the achievement of opposition programs to support civilians in the operations area and assist with additional data collection efforts. In addition, SOF should use ad hoc



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local monitors for individual activities. These monitors, consisting of local or regional organizations or other contacts within the denied area, verify operational effects and gauge the achievement of opposition objectives. Connecting organizations that provide civil or humanitarian services, such as fire response, search and rescue, food/medical aid or media coverage lends credibility and legitimacy to the opposition force when it is seen working in conjunction with or facilitating access and protection for these civil organizations.<sup>20</sup>

The above network of partners will provide SOF with independent assessments of its training methodology and operations to ensure that newly trained ANSAs forces internalize core-learning objectives on HR and IHL within the appropriate cultural and religious context for interacting with domestic civil society and international humanitarian agencies.

Each tactical opposition unit should have an individually tailored M&E plan, which outlines planned effects and expected objectives of its operations. The plans should specify the method(s) data collection will occur and the M&E responsibilities of the ANSAs themselves, third-party monitors and the staff within the responsible SOF headquarters. The SOF staff should prepare after action reports and a narrative report outlining the achievement of planned effects and objectives, best practices, and lessons learned. Particular emphasis placed on the achievement of objectives will allow SOF to test and refine its M&E plan for each unit.

**Operational-Level M&E:** The primary focus of SOF's operational-level M&E efforts is to measure the achievement of ANSA objectives and sub-objectives, listed in the campaign plan for each opposition unit. SOF should employ

or pursue three methods for operational-level M&E: perception surveys, cluster evaluations and final evaluations.

**Perception Surveys:** SOF should establish an operations and intelligence cell to provide in-depth information on civil-military events and public perceptions of ANSAs, opposition civil authorities and the public in ANSA operational areas. Perception data may originate from geo-tagged photographs and videos, interviews with key leaders, site visits and surveys, focus groups, social media monitoring, and information provided by civil-society partners. Survey data may also substitute as a proxy variable to measure the achievement of program objectives and sub-objectives.

**Cluster Evaluations:** Cluster evaluations aggregate M&E data from multiple ANSA units to help measure the effectiveness of the program as a whole, and to manage toward operational or strategic objectives. Evaluations draw on existing documentation, perception survey data, informal surveys and/or focus group discussions, and social media coverage.

**Final Evaluations:** Final evaluations, conducted by an external firm/organization, evaluate efforts at or near the conclusion of the program. The final evaluations will seek to measure the overall impact of the HR, LOAC and IHL training, monitoring and evaluation program and aid in determining the extent to which related termination criteria are met.

**Strategic-Level M&E:** The primary focus of strategic-level M&E should analyze the political context of train and equip programs; carried out primarily through Department of State, USAID or other-governmental agency programs and working in conjunction with Department of Defense programs. Strategy review

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U.S. ARMY PHOTO



sessions, program performance reviews and routine political analysis (focused on history, long-term political rivalries, culture and more) that feed into regional strategies and other documents, constitute the basis of these reviews. These processes contribute to SOF and USG understanding of the overall regional environment and aid in updating strategic decision makers.

Supporting ANSAs in their resistance against an autocratic or suppressive regime will remain on the extreme end of political warfare with roots in the true meaning proposed by George Kennan. While SOF, specifically Special Forces, is the only force organized, trained, educated, equipped and optimized to work through or with an ANSA group these operations will increasingly require the involvement of the USG interagency, the interagency of multinational partners and nongovernmental organizations. Expanding the focus of training programs and developing robust civilian networks for the continuous and thorough assessment of supported forces works to the attainment of military objectives and ultimately supports the national security policy of the United States. **SW**

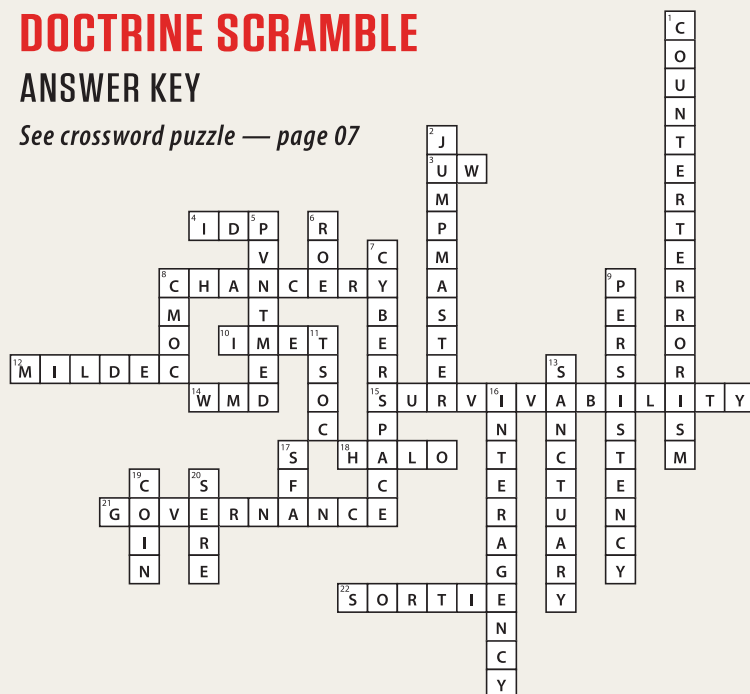
## ABOUT THE AUTHOR

**Maj. Justin Frazier** is a graduate of Texas Tech University with Bachelor of Arts in Political Science and History. He is the Special Operations Center of Excellence Representative to the Maneuver Support Center of Excellence. Prior to his completion of Intermediate Level Education and Irregular Warfare Scholars Program at the Command and General Staff College in Fort Leavenworth, Kansas, Maj. Frazier served as the 5th Special Forces Group (A) Civil Military Advisor and as the Civil Military Advisor and Primary Interagency Liaison for the Combined Joint Special Operations Task Force-Syria.

## DOCTRINE SCRAMBLE

### ANSWER KEY

See crossword puzzle — page 07



# ANNOUNCEMENTS

## BOARDS

	DATES	MILPER
COL PSB	18 Apr – 5 May	17-041, 17-046
Chief, Warrant Officer	25 Apr – 10 May	17-009, 17-031
RA CSM/SGM Nominative & RA/USAR (AGR) CSM – SGM QSP	15 – 19 May	17-080
RA-USAR (AGR) SFC Promotion/SSG QSP	5 – 30 Jun	

### PRE-COMMAND COURSE ATTENDANCE FOR CENTRALIZED SELECTION LIST BATTALION AND KEY BILLET SELECTS

Pre-Command Course training is conducted at the direction of the Chief of Staff of the Army and is mandatory for all officers assuming Centralized Selection List billets. Battalion command preparation is a multi-phase program that provides focused leader development opportunities for all of the Army's future senior leaders.

Pre-Command training courses are Branch Immaterial PCC (also known as Phase I), Tactical Commanders Development Program and Branch-Specific PCC. Select officers will attend Senior Officer Legal Orientation. Active Component battalion-level command selectees will attend either a three- or four-phase pre-command continuing training and education program; depending on the type and level of command prior to assuming command. Commanders and key billet personnel will attend PCC Phase I prior to assuming command and responsibility. Those who cannot attend Phase I prior require Vice Chief of Staff of the Army approval.

For more information, contact the ARSOF Division Human Resources Command Program Manager at (502) 613-6093.

### DA PAM 600-25, U.S. ARMY NONCOMMISSIONED OFFICER PROFESSIONAL DEVELOPMENT GUIDE

All three Commandant Offices updated their respective chapters for DA Pam 600-25 with input from the field. It is unknown at this time when a new DA Pam will be published; however, the DA G-1 goal is to have the Career Management Field chapters on MILSUIE by 1st Qtr FY18. Key updates to the respective CMF chapters are as follows:

#### CMF 18

- > Updated Structured Self Development verbiage to include the new Master Leader Course.
- > Update of duty description and special duties for 18B/C/D.
- > Revision of best and fully qualified verbiage for all AOCs.
- > Inclusion of OSW units and duty titles.
- > Incorporation of evaluation terminology regarding the new NCOERs.
- > Breakout of command sergeant major by ASI levels.

#### CMF 37

- > Incorporation of COOL credentialing.
- > Listing of bachelor's degrees complementary to Psychological Operations vice recommending Soldiers earn a bachelor's for self-development.
- > Including OSW billets as key and developmental.
- > Complete revision of sergeant major descriptive.
- > Updated listing of advanced skills.

#### CMF 38

- > Update to the best and fully qualified descriptive for each grade.
- > Inclusion of Network Development Course and Operational Design Course for senior NCOs.
- > Refinement of broadening to include only top 5 percent of sergeants first class who are eligible to serve in generating force billets.
- > Inclusion of Master Leader Course as a Professional Military Education requirement.
- > Breakout of sergeant major billets by skill identifier.

### DA PAM 600-3, OFFICER PROFESSIONAL DEVELOPMENT AND CAREER MANAGEMENT

DA G1 is separating DA Pam 600-3 into a core Pam, Chapters 1–7 (Part 1) with branch/functional area chapters posted on MILSUIE. Staffing completed for Part 1 on March 31. It is undergoing review prior to submission to Army Publishing for editing. Once finalized, the previously submitted branch/functional area chapters will be posted on MILSUIE. Key changes to the respective branch chapters are as follows:

#### CMF 18

- > Updated key and developmental billets and SF organizations at the chief warrant officer 3 and 4 grade levels.
- > Updated PME course titles.
- > Recommend that CW3s should be MEL Q prior to promotion to CW4 and CW4s should be Warrant Officer Senior Staff Course complete prior to promotion to CW5.

#### CMF 37

- > Updated naming conventions for PSYOP and MISO.
- > Updated developmental billets at the captain, major and lieutenant colonel grade plates.
- > Updated the Psychological Operations-related skill identifiers available to PSYOP officers.

#### CMF 38

- > Adding a section on Military Government, skills, proficiency levels, recruitment and officer management.

## GIVE US YOUR FEEDBACK

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Include your full name, rank, address and phone number with all submissions. Select letters to the editor may be published in an upcoming issue of *Special Warfare*.

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